IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 7TH FEBRUARY 2007 / 18TH MAGHA 1928

Bail Appl..No. 710 of 2007()

SC.112/2000 of ADDL.SESSIONS COURT (FAST TRACK-II), ALAPPUZHA
(LP 11/2004)
.....

PETITIONER/ACCUSED:

AJAYAN, S/O.VISWANATHAN,
AGED 30 YEARS, PARIKKALAYATHU,
VALLIKKUNNAM P.O., MAVELIKKARA.

BY ADV. SRI.VINCENT JOSEPH

RESPONDENT: COMPLAINANT:

STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO.710 OF 2007

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DATED THIS THE 7th DAY OF FEBRUARY, 2007

O R D E R

Petitioner who is the accused in CR.No.153/97 of Mavelikkara Excise Range for offences punishable under sections 8(1), 8(2) and 55(a) of the Abkari Act for allegedly having been found in possession of two litres of arrack, seeks anticipatory bail.

2. Consequent on the non-appearance of the petitioner before the Additional Sessions Court(Fast Track -II), Alappuzha [even though in the petition it is mentioned as Fast Track-II, Mavelikkara, at the time of arguments, the counsel asserts that it is Additional Sessions Court (Fast Track-II), Alappuzha)] in S.C.No.112/2000, the case against him was transferred to the long pending register as L.P.NO.11/04. Admittedly, non-bailable warrants of arrest are pending against the petitioner. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the trial court and seek regular bail. Accordingly, if the petitioner surrenders before the

trial court and files an application for regular bail, within two weeks from today, the same shall be considered and disposed of on merits, preferably on the same date on which it is filed, notwithstanding the pendency of any non-bailable warrants against the petitioner.

This application is disposed of as above.

V.RAMKUMAR, JUDGE

dsn